

Message Text

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TO USDEL ASWAN

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FOR AMBASSADOR EILTS

FOL REPEAT OF STATE 61790 TO CAIRO MAR 19

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E.O. 11652:N/A

TAGS: EAIR, EG

SUBJECT: CIVAIR: RESTRICTIONS ON TWA

REF: CAIRO 2768

1. DEPARTMENT APPRECIATES RECEIPT REFTEL. REPORT COINCIDES WITH INFORMATION RECEIVED DIRECTLY BY DEPARTMENT FROM TWA. FOR NOW, FOLLOWING IS FOR YOUR INFORMATION, BUT IF MATTER NOT RESOLVED IN NEAR FUTURE, SUGGEST EMBASSY CONSIDER TAKING ACTION OUTLINED BELOW.

2. DEPARTMENT VIEWS PROPOSED EGYPTIAN RESTRICTIONS TO BE IN VIOLATION OF US-EGYPT AIR TRANSPORT AGREEMENT OF MAY 5, 1964 (TIAS 5706). AGREEMENT SPECIFICALLY GRANTS TO US
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DESIGNATED AIRLINE ITALY-CAIRO AND GREECE-CAIRO TRAFFIC

RIGHTS. ARTICLE 10 ("BERMUDA" CLAUSE) PRECLUDES UNILATERAL ACTIONS BY ONE OF THE PARTIES TO IMPOSE A PRIORI RESTRICTIONS ON CAPACITY, FREQUENCIES, OR SCHEDULES OPERATED BY THE DESIGNATED AIRLINE OF THE OTHER PARTY. "BERMUDA" TYPE AGREEMENTS - NAMED AFTER US-UK CIVIL BILATERAL OF 1946 IN WHICH LANGUAGE OF ARTICLE 10 ORIGINATED - ENVISAGE THE RIGHT OF GOVERNMENTS TO CONTROL AIR TRAFFIC ON EX POST FACTO BASIS ONLY, AND AFTER DUE CONSULTATIONS BETWEEN

SIGNATORIES. FOR EXAMPLE, CURRENT USG EFFORTS TO LIMIT KLM CAPACITY ARE BEING TAKEN WITHIN FRAMEWORK OF BILATERAL CONSULTATIONS WITH DUTCH. NO ACTUAL RESTRICTIONS ON KLM HAVE BEEN IMPOSED BY USG TO DATE. WE SEEK TO RESOLVE KLM ISSUE BY MEANS OF NEGOTIATED SETTLEMENT.

3. IF EGYPTIANS PERSIST IN CONSIDERING RESTRICTIONS WE BELIEVE THAT IT WOULD BE PROPER FOR EMBASSY TO ALERT EGYPTIAN AUTHORITIES TO OUR CONCERN OVER POTENTIAL FOR BREACH OF AIR TRANSPORT AGREEMENT. TWA OFFICIALS/WASHINGTON CONCUR WITH OUR PROPOSAL TO SEND COMMUNICATION TO EGYPTIAN CAA IF MATTER CANNOT BE RESOLVED OTHERWISE. ACCORDINGLY, WE SUGGEST THAT IF AND WHEN APPROPRIATE, EMBASSY SEND LETTER OR AIDE MEMOIRE (AS EMBASSY DEEMS APPROPRIATE) WITH TEXT ALONG LINES OF PARA 4 BELOW. EMBASSY MAY ALSO USE ABOVE INFORMATION IN ITS DISCUSSIONS WITH CAA. PLEASE COORDINATE WITH TWA LOCAL REPS CONCERNING TIMING OF LETTER DELIVERY AND OF ANY DISCUSSIONS WITH CAA SO AS TO ACHIEVE MAXIMUM DESIRABLE EFFECT.

4. "THE EMBASSY OF THE UNITED STATES OF AMERICA HAS LEARNED THAT THE EGYPTIAN AVIATION AUTHORITIES HAVE PROHIBITED TRANS WORLD AIRLINES, EFFECTIVE JUNE 15, 1975, FROM CARRYING LOCAL TRAFFIC BETWEEN CAIRO AND ATHENS AND BETWEEN CAIRO AND ROME ON TWO DAYS PER WEEK. THE US VIEWS SUCH RESTRICTIONS AS BEING INCONSISTENT WITH THE AIR TRANSPORT AGREEMENT OF MAY 8, 1964 BETWEEN OUR TWO COUNTRIES. THE SAID AGREEMENT SPECIFICALLY GRANTS THE US TRAFFIC RIGHTS FOR ITS DESIGNATED AIRLINE BETWEEN, INTER ALIA, ITALY AND CAIRO AND GREECE AND CAIRO."

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"THE EMBASSY THEREFORE REQUESTS THAT THE EGYPTIAN AVIATION AUTHORITIES RECONSIDER THEIR ACTION WITH REGARD TO THE RESTRICTIONS IMPOSED ON THE OPERATIONS OF TRANS WORLD AIRWAYS. THE EMBASSY BELIEVES THAT BOTH THE PUBLIC INTEREST AND THE INTERESTS OF BOTH EGYPTIAN AND UNITED STATES AIRLINES WILL BE BEST SERVED BY PERMITTING THE AIRLINES DESIGNATED UNDER THE AGREEMENT TO CONTINUE OPERATING SERVICES IN ACCORDANCE WITH THE SCHEDULES ES-

TABLISHED BY THEM AS CONTEMPLATED BY ARTICLE 10 OF THE
AGREEMENT.

"COMPLIMENTARY CLOSE." INGERSOLL UQTE INGERSOLL

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